

## **EXHIBIT 6**

**Provance, Matthew D.**

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**From:** Nemelka, Michael N. <mnemelka@kellogghansen.com>  
**Sent:** Monday, May 20, 2019 11:49 AM  
**To:** 'Brian T. Ross'; Richter, Frank  
**Cc:** Provance, Matthew D.; Wedgworth, Peggy; Miller, Britt M.; Aundrea K Gulley; Ross MacDonald; McKenna, Elizabeth; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: 3 subpoenas

**\*\*EXTERNAL SENDER\*\***

Brian,

As relayed on the call, on behalf of the Individual and Vendor Class Plaintiffs, we do not agree to any such agreement.

Thanks,  
Mike

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**From:** Brian T. Ross [mailto:[bross@gibbsbruns.com](mailto:bross@gibbsbruns.com)]  
**Sent:** Monday, May 20, 2019 9:00 AM  
**To:** Richter, Frank <[frichter@rgrdlaw.com](mailto:frichter@rgrdlaw.com)>  
**Cc:** Provance, Matthew D. <[MProvance@mayerbrown.com](mailto:MProvance@mayerbrown.com)>; Wedgworth, Peggy <[pwedgworth@milberg.com](mailto:pwedgworth@milberg.com)>; Miller, Britt M. <[BMiller@mayerbrown.com](mailto:BMiller@mayerbrown.com)>; Aundrea K Gulley <[cagulley@gibbsbruns.com](mailto:cagulley@gibbsbruns.com)>; Ross MacDonald <[RMacDonald@gibbsbruns.com](mailto:RMacDonald@gibbsbruns.com)>; McKenna, Elizabeth <[emckenna@milberg.com](mailto:emckenna@milberg.com)>; SERVICE-EXTERNAL-DMS-MDL <[SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com](mailto:SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com)>  
**Subject:** Re: 3 subpoenas

Frank,

Thanks for your email. We're happy to talk this morning after [11:00am](#) CT.

However, we can say now that Defendants are not interested in an agreement in which the Individual Plaintiffs do not join.

Best regards,

Brian and Matt

On May 19, 2019, at 5:23 PM, Frank Richter <[FRichter@rgrdlaw.com](mailto:FRichter@rgrdlaw.com)> wrote:

Matt & Brian,

Thank you for the email. Speaking on behalf of the Dealership Class Plaintiffs only, and reserving all rights, we are open to an agreement that would allow the Impact Group subpoena, Infutor subpoena, and three proposed wireless subpoenas to proceed without timeliness objections. While we would likely be willing, as part of a larger agreement, to use your

requested time period for the proposed wireless subpoenas, we would not agree to modify the previously-issued AT&T Subpoena.

I do believe it would be beneficial to have a call in the morning to see if we can reach a compromise and to discuss whether there would be an avenue for resolution without agreement from additional plaintiffs.

I am available any time tomorrow morning after 6:30 CST. Please let me know if there is a time that would work for you.

Best,  
Frank

-----Original Message-----

From: Provance, Matthew D. [<mailto:MProvance@mayerbrown.com>]  
Sent: Saturday, May 18, 2019 8:54 AM  
To: Wedgworth, Peggy; Miller, Britt M.; 'agulley@gibbsbruns. com'; 'Brian Ross'; Ross MacDonald; Frank Richter; McKenna, Elizabeth  
Cc: SERVICE-EXTERNAL-DMS-MDL  
Subject: RE: 3 subpoenas

Frank -

Thank you for the productive meet-and-confer yesterday afternoon. Defendants remain open to finding a mutually acceptable resolution to our disputes surrounding Plaintiffs' carrier subpoenas without further briefing. In that regard, Defendants are willing to withdraw their objections to the subpoenas on the following conditions outlined below, reserving all rights in the event that a compromise cannot be reached on these issues.

1. In exchange for Defendants withdrawing their objection to the timeliness of the subpoenas, Plaintiffs agree not to assert or support a timeliness objection with respect to the subpoenas issued by Defendants to Infutor and, to the extent it remains outstanding, The Impact Group. To the extent that any of Plaintiffs' counsel does or will represent Infutor in connection with the subpoena, we would expect them to abide by our stipulation in that capacity as well.
2. We also ask that Plaintiffs abide by Liz McKenna's May 14, 2019 email advising us of the scope of the proposed subpoenas, and limit them to the period January 1, 2013 to December 31, 2016. Additionally, we ask that Plaintiffs agree to limit their previously-served subpoena for call records to the same 2013-2016 time period, as the old subpoena seeks some of the same telephone records sought in the proposed subpoenas.

Please let us know your position. We are happy to reconvene on Monday if helpful. Thanks and have a nice weekend.

Matt & Brian

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Matthew Provance  
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-----Original Message-----

From: Wedgworth, Peggy <[pwedgworth@milberg.com](mailto:pwedgworth@milberg.com)>  
Sent: Thursday, May 16, 2019 3:54 PM  
To: Miller, Britt M. <[BMiller@mayerbrown.com](mailto:BMiller@mayerbrown.com)>; 'agulley@gibbsbruns. com'  
<[agulley@gibbsbruns.com](mailto:agulley@gibbsbruns.com)>; 'Brian Ross' <[bross@gibbsbruns.com](mailto:bross@gibbsbruns.com)>; Provance, Matthew D.  
<[MProvance@mayerbrown.com](mailto:MProvance@mayerbrown.com)>; Ross MacDonald <[RMacDonald@gibbsbruns.com](mailto:RMacDonald@gibbsbruns.com)>; Frank  
Richter <[frichter@rgrdlaw.com](mailto:frichter@rgrdlaw.com)>; McKenna, Elizabeth <[emckenna@milberg.com](mailto:emckenna@milberg.com)>  
Subject: 3 subpoenas

\*\*EXTERNAL SENDER\*\*

Andi, Britt and team,  
Are those who will be addressing the 3 subpoenas proposed by plaintiffs available tomorrow at 3 pm eastern for a meet and confer?

Sent from my iPhone

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